

**H & K, INC.**  
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April 24, 2015

*Via Email/U.S. Mail*

Mr. John C. McMillan  
 Deputy Division Chief  
 California Department of Transportation  
 Division of Engineering Services  
 Office of Engineer, MS 43  
 1727 30<sup>th</sup> Street  
 P.O. Box 168041  
 Sacramento, CA 95816-68041

**Re: Caltrans Cont. Number: 06-0Q2104 ("Contract")**  
**Contract Location: Fresno**  
**Contractor: WABO Landscape Construction, Inc. ("WABO")**  
**DVBE Sam's Equipment & Supplies**  
**DVBE Number: 27563**

Dear Mr. McMillan:

I represent Sam Callison and Sam's Equipment & Supplies ("Sam's Equipment"). The purpose of this letter to respond to allegations made by Clean Cut Landscape ("Clean Cut") (4/13/15 letter to the Department of Transportation) that the two bids submitted by WABO from Sam's Equipment for Cobble Rock to be provided under the Contract constituted a "material variation" of a responsive bid and therefore "non-responsive". Sam's Equipment disputes this characterization.

For the initial bid on the Contract, Sam's Equipment was requested to submit a quote for: "2700 tons of Cobble/Rocks". This bid was submitted as part of WABO's initial bid for the Contract. Prior to the submission of the DVBE Summary, WABO amended the specifications for the material and requested a price for: "1957 tons of 4 x 8 Noiyo Cobble". Sam's Equipment issued an amended bid for the specific material requested (4 x 8 Noiyo Cobble); increasing Sam's Equipment's profit margin. The amended bid was submitted by WABO prior to the submission of the DVBE Summary. Therefore, the submission of the amended bid was not a differing quote; it was an amended quote for specific material to be provided for the Contract.

Clean Cut alleges that the amended quote constitutes "bid shopping" and "an unfair bidding advantage". However, the amended quote was requested by WABO from Sam's Equipment prior to the submission on the DVBE Summary as required by Caltrans Construction Guidelines (Section 8-303A of the Caltrans Construction Manual). WABO appears to have followed Caltrans guidelines and submitted the amended quote from Sam's Equipment prior to submitting the DVBE Summary. I fail to see how WABO's

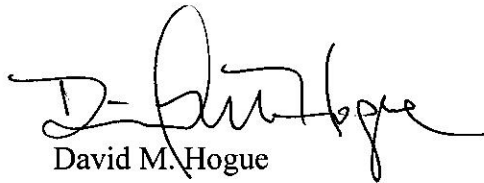
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transparency in submitting Sam's Equipment bids (original and amended), creates any advantage for WABO in the bidding process.

On behalf of Sam's Equipment, I request that you find the WABO bid for the Contract valid and in compliance with Caltrans rules, regulations, and guidelines. If you have any questions, please contact me. Thank you for your consideration.

Very truly yours,



David M. Hogue

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cc: Sam's Equipment and Supplies

WABO Landscape Construction, Inc.

Business/Sam's Equipment/Correspondence/ McMillan 042415